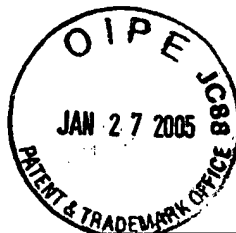


**CERTIFICATE OF MAILING**

I hereby certify that this correspondence with attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

on January 24, 2005  
 Date of Mailing  
Patrick D. Richards  
 Applicant, Assignee or Registered Representative  
Patrick D. Richards  
 Signature  
January 24, 2005  
 Date of Signature



<b>RESPONSE TO OFFICE ACTION TRANSMITTAL LETTER</b>			ATTORNEY'S DOCKET NO. 23635-218007
APPLN. NO. 10/672,401	FILING DATE September 26, 2003	EXAMINER Alfred Basichas	GROUP ART UNIT 3749
INVENTOR(S) <u>Guzorek</u>			
TITLE OF INVENTION <u>Water Heater with Mechanical Damper</u>			

**TO THE COMMISSIONER FOR PATENTS**

Transmitted herewith is the Response to Notice of Non-Compliant Amendment dated December 28, 2004.

- ☐ Small entity status of this application under 37 CFR 1.27 has been established by a verified statement previously submitted.
- ☐ A verified statement to establish a small entry status under 37 CFR 1.9 and 1.27 is enclosed.
- ☐ A request for a \_\_\_\_-month extension of time is enclosed.
- ☒ No additional claim fee is required.
- ☐ The fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA
TOTAL		MINUS	20	
INDEP.		MINUS	3	
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

**SMALL ENTITY**

RATE	ADD'L FEE
x \$9 =	\$0
x \$43 =	\$0
x \$145 =	\$
TOTAL ADD'L FEE	\$

**OTHER THAN A  
SMALL ENTITY**

RATE	ADD'L FEE
x \$18 =	\$
x \$86 =	\$
x \$290 =	\$
TOTAL ADD'L FEE	\$

- ☐ Please charge Deposit Account No. 13-0206 in the amount of \$0.00 for the Response to Office Action. A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$\_\_\_\_\_ to cover filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR 1.16 and any patent application processing fees under 37 CFR 1.17 associated with this communication or credit any overpayment to Deposit Account No. 13-0206. A duplicate copy of this sheet is enclosed.
- ☐ I hereby petition under 37 CFR 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 13-0206. A duplicate copy of this sheet is enclosed.

January 24, 2005  
 (Date)

SIGNATURE: Patrick D. Richards  
 ATTORNEY NAME: Patrick D. Richards  
 REGISTRATION NO: 48,905

MCDERMOTT WILL & EMERY LLP  
 227 WEST MONROE STREET  
 CHICAGO, ILLINOIS 60606  
 tel.: 312.372.2000  
 fax.: 312.987.7700



IFW

PATENT  
Docket No. 23635-218007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re U.S. Patent Application

Applicant: GUZOREK

Serial No.: 10/672,401

Filed: September 26, 2003

For: **WATER HEATER WITH  
MECHANICAL DAMPER**

Examiner: Alfred Basichas

Art Unit: 3749

**Certificate of Mailing**

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Patrick D. Pinchard

Signature

January 24, 2005

Date of Signature

**RESUBMITTED AMENDMENTS TO THE CLAIMS  
PURSUANT TO NOTICE OF NON-COMPLIANT AMENDMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

**Introductory Comments**

This amendment is submitted in response to a Notice of Non-Compliant Amendment mailed December 28, 2004. Applicants respectfully submit the corrected section of the non-compliant amendment (e.g., the entire "Amendments to the Claims" section) of the response to final Office Action dated September 3, 2004.